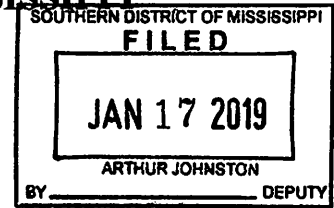


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v. CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &  
DANIEL ABEL, D/B/A/ TROUT POINT  
LODGE LTD OF NOVA SCOTIA & IN  
THEIR INDIVIDUAL CAPACITIES  
PROGRESS MEDIA GROUP LIMITED,  
MARILYN SMULDERS, & ASHOKA

**RESPONSE IN OPPOSITION TO DEFENDANT/COUNTER-CLAIMANT  
LEARY'S MOTION FOR SUMMARY JUDGMENT (ECF# 328)**

Plaintiff Douglas Handshoe respectfully submits this response in opposition to Defendant Charles Leary's latest Motion for Summary Judgment (ECF# 328) and he will show that Mr. Leary's Motion should be denied.

Mr. Leary's Motion should be denied for several reasons, including but not limited to 1) He attempts to taint these proceedings with inadmissible evidence 2) There are genuine dispute as to several material facts and 3) Leary is not entitled to judgment as a matter of law.

These matters are more fully discussed in the accompanying Memorandum that is contemporaneously filed with this Opposition.

Attached to this Opposition are the following Exhibits:

Exhibit A - Declaration of Douglas Handshoe.

Exhibit 1 – Leary affidavit dated July 25, 2012.

Exhibit 2 – Leary affidavit dated May 12, 2011.

Exhibit 3 – Threatening letter to Handshoe sent in May, 2011.

Exhibit 4 – Real-Malice blog web posting.

Exhibit 5 – Real-Malice blog web posting.

Exhibit 6 – American Zombie blog web posting.

Exhibit 7 – Leary and Perret Amicus Brief in sealed lawsuit.

Exhibit 8 – Sealed court filings Exhibited by Leary in 12cv90.

Exhibit 9 – Leary affidavit dated June 13, 2011.

Exhibit 10 – Leary emails to Amazon Web Services regarding takedown

Exhibit 11 – Slabbed blog web posting showing inline linked photograph.

Exhibit 12 - Slabbed blog web posting re Leary's takedown notice to AWS.

Exhibit 13 - Slabbed blog web posting demonstrating fair use

Respectfully submitted this 17<sup>th</sup> day of January,  
2019,



Plaintiff  
Douglas Handshoe  
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### **CERTIFICATE OF SERVICE**

I, Douglas Handshoe, hereby certify that on January 17, 2019 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on January 17, 2019, I mailed the foregoing to Charles Leary at 308 5th Ave E, Vancouver, BC V5T 1H4 Canada.

Respectfully submitted this 17<sup>th</sup> day of January, 2019,



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